FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

Criminal Application No. 1902/2007

Bablu Baiju Gour
Vs.
State of Maharashtra

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

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Mr. Tiwari, Advocate for applicant.
Mr Doifode, APP for State.

Coram: C. L. PANGARKAR J.
Dated : 17th August 2007

Heard.

This is an application under Section 439 of Criminal Procedure Code.

The accused is arrested for having committed offence under Section 307 of Indian Penal Code and is in jail. His application for bail has been rejected by the Court of Sessions.

I have heard Shri Tiwari learned counsel for the applicant and Shri Doifode learned APP for

the State.

Learned counsel for the applicant submitted that the injured person who had suffered the injuries had survived and therefore he also took me through the injuries suffered by the injured and submits that the injuries were not of serious nature and offence would not primafacie fall within the scope of Section 307 Indian Penal Code. I have gone through the injuries as mentioned in the reply filed by the prosecution. One of the injuries is on a vital part i.e. on chest. There are as many as 7 injuries caused with sharp cutting weapon. Looking to the number of injuries and one of the injuries having been caused on the chest it cannot be said that accused primafacie did not have an intention to kill. It is a different thing that injured survived. Shri Tiwari learned counsel relied on a decision of Supreme Court reported in

Bhausaheb Nagu Dhavare Vs. State of Maharashtra & Ano. II(2001) CCR 269 (SC). **In the reported case it was found by the Supreme Court that since accused applicant was in jail for a period of 8 months and injured survived the accused was held to be entitled to bail. In the present case the circumstances are very different. It is brought to my notice that large number of crimes i.e. total not less than 10 have been registered against the present applicant, most of the offences are affecting human body. The offence registered are under Sections 352, 354, 452 Arms Act etc. Similarly it also appears that preventive action was required to be taken by the police in almost every year against the present applicant and since last 2 years he has been even externed. This clearly goes to show that accused is not a person who could be released on bail. There is, therefore, every**

possibility of his tampering with the witnesses and indulging in similar kind of act. In the circumstances the application is rejected.

Judge.

svk